

## Conversation Contents

### FW: CRS Follow-Up on National Monument Request

#### Attachments:

/343. FW: CRS Follow-Up on National Monument Request/1.1 AZ Gov Hull - news articles.PDF  
/343. FW: CRS Follow-Up on National Monument Request/1.2 ATT00001.htm  
/343. FW: CRS Follow-Up on National Monument Request/1.3 Canyons of the Ancients.pdf  
/343. FW: CRS Follow-Up on National Monument Request/1.4 ATT00002.htm  
/343. FW: CRS Follow-Up on National Monument Request/1.5 Upper Missouri River Breaks.pdf  
/343. FW: CRS Follow-Up on National Monument Request/1.6 ATT00003.htm  
/343. FW: CRS Follow-Up on National Monument Request/1.7 Grand Staircase-Escalante - 1.pdf  
/343. FW: CRS Follow-Up on National Monument Request/1.8 ATT00004.htm  
/343. FW: CRS Follow-Up on National Monument Request/1.9 Grand Staircase-Escalante - 2.pdf  
/343. FW: CRS Follow-Up on National Monument Request/1.10 ATT00005.htm

"Tanner, John (Hatch)" <John\_Tanner@hatch.senate.gov>

**From:** "Tanner, John (Hatch)" <John\_Tanner@hatch.senate.gov>  
**Sent:** Wed Mar 29 2017 07:45:17 GMT-0600 (MDT)  
**To:** Downey Magallanes <downey\_magallanes@ios.doi.gov>  
**Subject:** FW: CRS Follow-Up on National Monument Request  
**Attachments:** AZ Gov Hull - news articles.PDF ATT00001.htm Canyons of the Ancients.pdf ATT00002.htm Upper Missouri River Breaks.pdf ATT00003.htm Grand Staircase-Escalante - 1.pdf ATT00004.htm Grand Staircase-Escalante - 2.pdf ATT00005.htm

**From:** Ed Cox <Ed\_Cox@hatch.senate.gov>  
**Date:** Tuesday, March 28, 2017 at 7:41 PM  
**To:** John Tanner <John\_Tanner@hatch.senate.gov>  
**Subject:** Fwd: CRS Follow-Up on National Monument Request

Sent from my iPhone

Begin forwarded message:

**From:** "Hanson, Laura" <LHANSON@crs.loc.gov>  
**Date:** March 28, 2017 at 6:12:19 PM EDT  
**To:** "ed\_cox@hatch.senate.gov" <ed\_cox@hatch.senate.gov>  
**Cc:** "Hardy-Vincent, Carol" <CHVINCENT@crs.loc.gov>, "Gomez, Lena" <LAGOMEZ@crs.loc.gov>  
**Subject:** FW: CRS Follow-Up on National Monument Request

Hi Ed,

This email responds to your request for statements made by governors about national monument designations with areas over 100k acres. Please see the table below and the accompanying attachments for the statements that we were able to identify. We searched subscription news databases, including Nexis and Factiva, as well as state and general websites.

Note that we couldn't find a statement for every monument designation. For those statements that we did identify, some statements appear to support the designation, while others appear to oppose the designation. We didn't identify any statements by CA governors on designations, but did find some statements made by the CA Secretary of Natural Resources. Some of the attached PDFs include more than one monument (relevant portions have been highlighted).

### Statements Made by Governors or Other State Officials on Selected National Monument Designations

State	Monument	Date	Acres	Governor / Time in Office	Notes
Arizona	Grand Canyon-Parashant	01/11/2000	1,014,000	Hull, Jane Dee (Sept 5, 1997-Jan 6, 2003)	See attached PDF.
	Ironwood Forest	06/09/2000	128,917		
	Sonoran Desert	01/17/2001	486,149		
	Vermilion Cliffs	11/09/2000	293,000		
California	Carrizo Plain	01/17/2001	204,107	Davis, Gray (Jan 4, 1999-Nov 17, 2003)	No statements identified
	Giant Sequoia	04/15/2000	327,769		
	Berryessa Snow Mountain	07/10/2015	330,780	Brown, Jerry (Jan 3, 2011-)	<a href="#">CA Sec. Laird statement</a> <a href="#">CA Sec. Laird statement and Sand to Snow</a> No San Gabriel Mountain identified.
	Mojave Trails	02/12/2016	1,600,000		
	San Gabriel Mountains	10/10/2014	346,177		
	Sand to Snow	02/12/2016	154,000		
Colorado	Canyons of the Ancients	06/09/2000	164,000	Owens, Bill (Jan 12, 1999-Jan 9, 2007)	See attached PDF.
Hawaii - Alaska -	World War II Valor in the Pacific	12/05/2008	4,038,400	HI - Lingle, Linda (Dec 2, 2002-Dec 6,	No statements identified

California				2010) AK - Palin, Sarah (Dec 4, 2006-Jul 26, 2009) CA - Schwarzenegger, Arnold (Nov 17, 2003-Jan 3, 2011)	
Montana	Upper Missouri River Breaks	01/17/2001	377,346	Martz, Judy (Jan 1, 2001-Jan 3, 2005)	See attached PDF.
Nevada	Basin and Range	07/10/2015	704,000	Sandoval, Brian (Jan 3, 2011-)	<a href="#">Governor statement on E</a>
	Gold Butte	12/28/2016	296,937		<a href="#">Governor statement on C</a>
New Mexico	Organ Mountains-Desert Peaks	05/21/2014	496,330	Martinez, Susana (Jan 1, 2011-)	<a href="#">News article:</a> Governor c request for comment on Grande del Norte statem
	Rio Grande del Norte	03/25/2013	242,555		
Utah	Grand Staircase-Escalante	09/18/1996	1,700,000	Leavitt, Mike (Jan 4, 1993-Nov 5, 2003)	See 2 attachments.
	Bears Ears	12/28/2016	1,350,000	Herbert, Gary (Aug 11, 2009-)	<a href="#">Governor statement on E</a>
Washington	Hanford Reach	06/09/2000	195,000	Locke, Gary (Jan 15, 1997-Jan 12, 2005)	<a href="#">News article:</a> Governor p Hanford Reach.

Please let us know if you have any questions or if you need further assistance.

Thanks,  
Laura

**Laura Hanson**  
Senior Research Librarian  
Congressional Research Service  
Library of Congress  
(202) 707-7072 | [lhanson@crs.loc.gov](mailto:lhanson@crs.loc.gov)

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**From:** Cox, Ed (Hatch) [[mailto:Ed\\_Cox@hatch.senate.gov](mailto:Ed_Cox@hatch.senate.gov)]  
**Sent:** Tuesday, March 28, 2017 9:28 AM  
**To:** Hardy-Vincent, Carol  
**Cc:** Mages, Lisa  
**Subject:** Re: CRS Follow-Up on National Monument Request

Over 100k acres is just fine. Keep me posted! I think this is a great plan.

---

**From:** Carol Hardy-Vincent <[CHVINCENT@crs.loc.gov](mailto:CHVINCENT@crs.loc.gov)>  
**Date:** Monday, March 27, 2017 at 7:50 PM  
**To:** "Cox, Ed (Hatch)" <[Ed\\_Cox@hatch.senate.gov](mailto:Ed_Cox@hatch.senate.gov)>  
**Cc:** "Mages, Lisa" <[LMAGES@crs.loc.gov](mailto:LMAGES@crs.loc.gov)>  
**Subject:** CRS Follow-Up on National Monument Request

Hello Ed. This email is a follow-up to our phone conversation this morning on your request for information on state support of presidentially proclaimed national monuments since 1995. It conveys additional information on the CRS approach to researching this question, following consultation with CRS colleagues. First, we are researching post-1995 monuments that exceed 100,000 acres, a size larger than we discussed (10,000 acres). The larger size was chosen to reduce the number of eligible monuments in the interest of expediting this research. We have identified 20 monuments in excess of 100,000 acres, listed below by state. Second, this list excludes marine national monuments, as generally not affiliated with a particular state. Third, we are seeking expressions of support/opposition by state governors at the time of monument designation, and in a short period thereafter. We may undertake research on support/opposition by state legislatures if possible under your deadline. You had stated a preference for information by COB today, but we were not able to complete the research by this deadline. This is because the information is not aggregated in one place, thus requiring 19 separate searches. You had also stated that it would nevertheless be helpful to receive information by COB Tuesday, and we are endeavoring to provide information by that time. In the meantime, please do not hesitate to let us know if you have questions. I am copying Lisa Mages, manager of the librarian section that is conducting the research to respond to your question.

Arizona  
Grand Canyon-Parashant; 01/11/2000; 1,014,000 acres  
Ironwood Forest; 06/09/2000; 128,917 acres  
Sonoran Desert; 01/17/2001; 486,149 acres  
Vermilion Cliffs; 11/09/2000; 293,000 acres

California  
Berryessa Snow Mountain; 07/10/2015; 330,780 acres  
Carrizo Plain; 01/17/2001; 204,107 acres  
Giant Sequoia; 04/15/2000; 327,769 acres  
Mojave Trails; 02/12/2016; 1,600,000 acres  
San Gabriel Mountains; 10/10/2014; 346,177 acres  
Sand to Snow; 02/12/2016; 154,000 acres

Colorado  
Canyons of the Ancients; 06/09/2000; 164,000 acres

Hawaii (also Alaska and California)  
World War II Valor in the Pacific; 12/05/2008; 4,038,400 acres

Montana  
Upper Missouri River Breaks; 01/17/2001; 377,346 acres

Nevada  
Basin and Range; 07/10/2015; 704,000 acres  
Gold Butte; 12/28/2016; 296,937 acres

New Mexico  
Oregon Mountains-Desert Peaks; 05/21/2014; 496,330 acres  
Rio Grande del Norte; 03/25/2013; 242,555 acres

Utah  
Grand Staircase-Escalante; 09/18/1996; 1,700,000 acres  
Bears Ears; 12/28/2016; 1,350,000 acres

Washington  
Hanford Reach; 06/09/2000; 195,000 acres

With Best Regards,  
Carol Hardy Vincent  
Congressional Research Service  
7-8651

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	Results
1.	<a href="#">Court upholds Clinton creation of 7 monuments, 3 in Arizona</a> <i>Arizona Daily Star (Tucson)</i> , October 19, 2002 Saturday, TUCSON/REGION; Pg. B8, (660 words), Howard Fischer, Capitol Media Services
2.	<a href="#">Arizona has much at stake when Interior Secretary makes decisions</a> <i>The Associated Press State &amp; Local Wire</i> , State and Regional, (575 words), By GIOVANNA DELL'ORTO, Associated Press Writer
3.	<a href="#">Hull wants to alter new monuments</a> <i>Arizona Daily Star (Tucson)</i> , May 22, 2001 Tuesday, NEWS; Pg. A4, (830 words), Tony Davis
4.	<a href="#">The Washington Post</a> Clinton Creates, Expands Four National Monuments; Arizona Officials Complain About Federal Government Controls on Use of Land in Western States, Charles Babington, Washington Post Staff Writer, January 12, 2000, Wednesday, Final Edition, A SECTION; Pg. A03, (875 words)
5.	<a href="#">GOP TELLS CLINTON TO BUTTE OUT OF NATIONAL MONUMENTS</a> <i>Congressional Quarterly Daily Monitor</i> , January 7, 2000, (639 words), Mary Dalrymple, CQ Staff Writer
6.	<a href="#">WESTERN LAWMAKERS WARY OF CLINTON PLAN ON MONUMENTS</a> <i>Congressional Quarterly Daily Monitor</i> , December 14, 1999, (601 words), Suzanne Dougherty, CQ Staff Writer

[Return to List](#)

1 of 6 DOCUMENTS

Arizona Daily Star (Tucson)

October 19, 2002 Saturday  
Final Edition

## Court upholds Clinton creation of 7 monuments, 3 in Arizona

**BYLINE:** Howard Fischer, Capitol Media Services

**SECTION:** TUCSON/REGION; Pg. B8

**LENGTH:** 660 words

Former President Clinton did not exceed his legal authority in creating a host of new national monuments in Arizona and elsewhere in the West, a federal appeals court ruled Friday.

In a unanimous decision, the District of Columbia Circuit Court of Appeals threw out two separate challenges to Clinton's actions. The judges said the president has broad authority under the law.

Among the monuments that were challenged was the Ironwood Forest National Monument, about 25 miles northwest of Tucson. Ironwood has one of the richest stands of Ironwood trees in the Sonoran Desert and has several mountain ranges including the Silver Bell, Waterman and Sawtooth, according to the Arizona Bureau of Land Management Web site.

Friday's rulings say that those who want to challenge presidential proclamations to create national monuments have a difficult legal burden.

Friday's ruling provides no relief to Gov. Jane Hull, who objected to Clinton's creation of the Arizona monuments and has been working to redraw the boundaries and lift some restrictions.

Clinton created 18 national monuments and expanded two others before leaving office.

Mountain States Legal Foundation challenged six of them, including the Desert Sonoran National Monument southwest of Phoenix, Ironwood and the

Grand Canyon-Parashant National Monument in northwest Arizona. Attorneys for the Denver-based organization charged that the proclamations exceeded any legal authority Congress gave the president.

A separate lawsuit was filed by Tulare County, Calif., challenging the creation of the Sequoia National Forest in south-central California.

At the heart of the dispute is the Antiquities Act, approved by Congress in 1906. That law allows the president "in his discretion" to declare "historic landmarks; and other objects of historic or scientific interest; situated upon (federal) lands; to be national monuments." The statute also requires the monuments to be the "smallest area compatible with the proper care and management of the objects to be protected."

Mountain States attorneys said Congress intended only to preserve ruins, artifacts and other man-made objects situated on public lands, with only minimal acreage included in the monuments.

The three Arizona monuments constitute more than 2 million acres.

Judge Judith Rogers said Clinton's actions appear to meet all legal conditions.

"Each proclamation identifies particular objects or sites of historic or scientific interest and recites grounds for the designation," she wrote. For example, Rogers said, the proclamation for Ironwood Forest states it holds "abundant rock sites and other archeological objects of scientific interest."

Rogers also rejected arguments that the proclamations must include a certain level of detail.

"No such requirement exists," she wrote. Rogers also said the president is entitled to ecosystems and scenic vistas in the list of things that qualify land for

Court upholds Clinton creation of 7 monuments, 3 in Arizona Arizona Daily Star (Tucson) October 19, 2002  
Saturday

protection.

The judge also rejected arguments that too much land was included in the monuments. Rogers said that, in both cases, the challengers made only general assertions without spelling out which lands they believed were inappropriate for inclusion.

Last year Hull wrote to Interior Secretary Gale Norton, seeking a change in the boundaries of the new national monuments Clinton created.

The governor said she was not trying to repeal the proclamations nor even reduce the size of the monuments. She said, though, the boundaries threaten future use of rights of way for roads and power lines as well as tie up a potential \$100 million in mineral rights.

Hull also wants permission for certain activities

within monument boundaries, including chaining or burning of vegetation for wildlife management, research or ecological restoration. She has proposed giving the state the authority to manage wildlife within the monuments.

Nick Simonetta, a spokesman for the state Land Department, said negotiations have been ongoing with the Bush administration.

**LOAD-DATE:** June 6, 2007

**LANGUAGE:** ENGLISH

**PUBLICATION-TYPE:** Newspaper

**JOURNAL-CODE:** TUCS

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[Return to List](#)

## 2 of 6 DOCUMENTS

The Associated Press State & Local Wire

August 7, 2001, Tuesday, BC cycle

### Arizona has much at stake when Interior Secretary makes decisions

**BYLINE:** By GIOVANNA DELL'ORTO, Associated Press Writer

**SECTION:** State and Regional

**LENGTH:** 575 words

**DATELINE:** PHOENIX

Environmentalists have a list of issues they plan to spotlight Wednesday when U.S. Interior Secretary Gale Norton visits Arizona.

Norton plans to tour a forest health rehabilitation project near Flagstaff and dedicate a new section of trail at the Grand Canyon. She will be in Phoenix Thursday to meet state water officials.

The Sierra Club in Phoenix and other groups said Tuesday they want Norton to take a stand on the new national monuments that former President Bill Clinton created in Arizona.

The Bush administration has suggested it might scale back the more than 3 million acres that Clinton put under protection to explore public lands for energy resources. In March, Norton, whose agency oversees the National Park Service, asked officials from several states to suggest boundary and other changes to the new national monuments.

Environmentalists, however, worry that might open the door to logging, mining and development on lands where even power lines should not be placed, said Phoenix Sierra Club spokesman Rob Smith.

Three out of four Arizonans support the monuments, according to a poll released Tuesday by the Behavior Research Center. The poll was commissioned by the Sierra Club and other environmental groups. It surveyed 602 registered voters last month and had a margin of error is 4.1

percent.

Gov. Jane Hull, however, suggested that some boundaries should be redrawn.

In an April letter to Norton, Hull said the monuments created problems with energy transmission, cut into the state's long-term water supply, prohibited essential roads and diminished the use of thousand of acres of private property.

"National monuments are a great opportunity, not a problem," Smith countered on Tuesday.

The five monuments, covering nearly 2 million acres, are: Grand Canyon Parashant, on the canyon's northern rim; Agua Fria, off I-17 near Black Canyon City; Ironwood Forest, near Tucson; Sonoran Desert, west of Phoenix; Vermilion Cliffs, near Lake Powell.

Public land management is also within Norton's discretion and some environmentalists have pledged to protest various thinning and burning treatments employed in a forest experiment near Flagstaff.

Proponents of the Fort Valley Restoration Project say the forest needs some thinning because years of wildfire suppression have left it too prone to large fires. Critics, including the Southwest Forest Alliance, argue that the project only amounts to extensive logging.

"It causes such a drastic reduction in the number of trees that the current ecosystem is being sacrificed," said Southwest Forest Alliance spokesman Brian Nowicki.

Norton also has a say on Arizona wildlife because she oversees the U.S. Fish & Wildlife Service, which is involved in determining where development should be restricted to protect endangered or threatened species.

Last month, a federal appeals court directed Norton to reconsider her decision not to list the flat-tailed

Arizona has much at stake when Interior Secretary makes decisions The Associated Press State & Local  
Wire August 7, 2001, Tuesday, BC cycle

horned lizard for protection as a threatened species.  
Its habitat is in southwestern Arizona.

Ecological Restoration  
<http://www.eri.nau.edu/gpnar.htm>

Institute:

Norton and Hull also will discuss negotiations with  
tribes about water rights, Hull's spokeswoman  
Francie Noyes said.

Sierra Club: <http://www.sierraclub.org/>

Southwest Forest Alliance: <http://www.swfa.org>

On the Net:

**LOAD-DATE:** August 8, 2001

Interior Secretary: <http://www.doi.gov/>

**LANGUAGE:** ENGLISH

National Park  
<http://www.nps.gov/parks.html>

Service:

**GRAPHIC:** AP Photos UTSG501 and PN102

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[Return to List](#)

### 3 of 6 DOCUMENTS

Arizona Daily Star (Tucson)

May 22, 2001 Tuesday

## Hull wants to alter new monuments

**BYLINE:** Tony Davis

**SECTION:** NEWS; Pg. A4

**LENGTH:** 830 words

Republican Gov. Jane Hull has asked the Bush administration to redraw the boundaries of Arizona's five newest national monuments and to delay both the Sonoran Desert Conservation Plan and the federal pygmy owl recovery plan.

Pima County supervisors and environmentalists contend that the governor's actions are escalating conflicts between the state and county over growth and the environment.

While the governor says she wants the state to have more say over these plans, county supervisors say they've given the state many chances to cooperate with them.

"We've always had an open door. Maybe it wasn't always the most welcome, but it's unfortunate to try to circumvent local government rather than to try to deal directly with the people who are working and voting here," Republican Supervisor Ray Carroll said.

Last month the governor wrote separate letters to Interior Secretary and fellow Republican Gale Norton asking for:

\* New boundaries for the Ironwood Forest National Monument and four other monuments that ex-President Bill Clinton and former Interior Secretary Bruce Babbitt approved for the state before Clinton left office on Jan. 20.

Hull also proposed that the Interior Department allow certain kinds of vegetation disturbance such

as chaining or burning that's needed to maintain wildlife management, research and ecological restoration on the monuments. Her proposal would give Arizona authority to manage the monuments' wildlife and require that the state Game and Fish Department sign off on road closures, travel restrictions and other transportation plans for the monuments.

\* A delay in decisions on Pima County's million-acre Desert Conservation Plan and the new owl recovery plan. She asked the Interior Department to provide an "appropriate state role" in shaping them.

Norton's office didn't reply Monday to questions about the governor's letters. Her department must approve the county's conservation plan and is currently reviewing the owl recovery plan, now more than 2 1/2 years behind its federally required release date. The plan would bring 175,000 acres of private and state-owned land under federal development limits to protect the endangered bird.

Hull wrote that she wasn't trying to repeal or downsize the monuments but did want to change their boundaries. The Ironwood Monument threatens future use of up to 14 rights of way for roads or power lines and up to \$100 million in mineral rights, Hull wrote.

"We have monuments with boundaries that do not protect the best of the terrain, do not give due consideration to wildlife management, do not allow vital energy transmission to cross into regions of the state, prohibit essential roads, create uncertainty in the state's long-term water supply and diminish the use of thousands of acres of private property," Hull's April 6 letter said.

The Ironwood monument spans the Silver Bell, Waterman and Roskrige mountains north of the Avra Valley. The Sonoran Desert National Monument covers a rugged, hilly area 30 miles southwest of Phoenix. The Vermilion Cliffs Monument contains the Paria Plateau and Paria River Canyon in Northern Arizona. The Grand

Hull wants to alter new monuments Arizona Daily Star (Tucson) May 22, 2001 Tuesday

Canyon-Parashant Monument lies on the Shivwits Plateau near the Canyon's North Rim. The Agua Fria monument, 40 miles north of Phoenix, includes an extensive area of Indian ruins dating back to 1250 to 1450.

Julie Sherman, a Sierra Club activist in Phoenix, said the various monument areas have long been considered for protection and pointed out that Ironwood and two of the other new monuments will be "much more permissive" than typical national monuments. Existing grazing, hunting, road and trail use, and existing mineral leases will be protected, she said.

"We don't understand her concerns that they can't be used," Sherman said.

Francie Noyes, Hull's press secretary, said the governor's staff has recently tried to improve communications with Pima County by holding a meeting with two county supervisors.

"The fact is that state agencies already, by statute and the constitution, have these responsibilities," Noyes said. "We simply want to be able to do our jobs."

Environmentalists and county officials said that state officials have had plenty of opportunities to participate. Officials from two state agencies sit on

two committees involved in advising the federal government on drafting the pygmy owl recovery plan.

"What Hull really wants is veto power over anything to do with protecting the pygmy owl and the Sonoran Desert," said Kieran Suckling, science director of the environmentalist Center for Biological Diversity.

Democratic Supervisors Raul Grijalva and Sharon Bronson and Republican Carroll disagreed with the governor's stance. Grijalva said the conservation plan is fighting one hurdle after another: "It's not only private interests that will be a bone of contention: We now have the state with Hull's access to the Interior Department that makes it a much bigger issue."

\* Contact Tony Davis at 807-7790 or at [verdin@azstarnet.com](mailto:verdin@azstarnet.com)

**LOAD-DATE:** June 6, 2007

**LANGUAGE:** ENGLISH

**PUBLICATION-TYPE:** Newspaper

**JOURNAL-CODE:** TUCS

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[Return to List](#)

4 of 6 DOCUMENTS

# The Washington Post

## washingtonpost.com

The Washington Post

January 12, 2000, Wednesday, Final Edition

### Clinton Creates, Expands Four National Monuments; Arizona Officials Complain About Federal Government Controls on Use of Land in Western States

Charles Babington, Washington Post Staff Writer

**SECTION:** A SECTION; Pg. A03

**LENGTH:** 875 words

**DATELINE:** GRAND CANYON NATIONAL PARK, Ariz., Jan. 11

With this panoramic canyon as a backdrop, President Clinton today vigorously defended his decision to broaden federal protections for more than a million acres in the West as necessary to preserve scenic areas for generations to come.

After touring the Grand Canyon's northern rim by helicopter, the president signed documents creating two new national monuments in Arizona and one in California, and expanding an existing monument in California. Then, speaking to a few hundred supporters at Hopi Point on the south rim, he repeatedly invoked the name of Theodore Roosevelt, the president who gave federal protection to the Grand Canyon on this date in 1908.

He noted that Roosevelt used the federal Antiquities Act to protect the canyon, the same law that several other presidents have invoked and the one Clinton

used today to create the new monuments.

"This is not about locking lands up; it is about freeing them from the pressures of development and the threat of sprawl, for all Americans, for all time," said Clinton, who wore a leather jacket in the clear but chilly and breezy late morning. Addressing a frequent criticism, Clinton said local authorities and residents will have a voice in the uses of the lands, which generally will allow for recreation such as hiking and fishing but will limit amenities such as roads.

"In managing the new monuments," he said, "we will continue to work closely with the local communities to ensure that their views are heard and their interests are respected."

Several Arizona Republicans, including Gov. Jane Hull, declined to join Clinton today, complaining that the federal government uses too heavy a hand in western states in controlling the rights to mining, grazing, road-building and water use. Today's ceremonies, and the criticisms by those who did not attend, are but the latest example of long-running tensions regarding the extent to which this part of the country should be protected and controlled by politicians who see it only on occasional vacations.

In many ways, today's debate centers more on process and pride than on any likelihood that the newly declared monuments would fall prey to development. Nearly all the land in question is already federally owned, and the White House said existing mining and water rights "will be maintained." But no new mining claims will be allowed, and "the current prohibition on off-road vehicles will be made permanent" at the two new Arizona monuments, according to the White House.

Clinton Creates, Expands Four National Monuments; Arizona Officials Complain About Federal Government Controls on Use of Land in Western States The Washington Post January 12, 2000, Wednesday, Final Edition

Hull and other Arizona Republicans have been careful to criticize Clinton's procedures without attacking the notion of preserving scenic lands.

"The governor is not opposed to protecting this land," said Hull's press secretary, Francie Noyes. "She's disappointed that the people of Arizona were completely bypassed in making this decision." She said Hull is not "trying to protect business interests" because few business enterprises are practical in the rugged and remote areas in question.

Speaking with reporters before his speech, Clinton said administration officials consulted closely with local citizens and officials before making his decision. "We've tried to be, and will always be, sensitive to the concerns and the legitimate interests of local people, but I think we've done a good job with this," he said.

He also pointed to a recent statewide poll that found most Arizona voters support federal protection of scenic or historic sites. Still marked by vast open and arid tracts, Arizona nonetheless has gained 1.3 million new residents in the past decade, creating pressures for new developments and sprawl. Only 17 percent of Arizona land is privately owned. The federal government owns 42 percent, the state owns 13 percent, and Indian reservations cover the remaining 28 percent.

Clinton's actions added 7,900 acres to the Pinnacles National Monument south of San Jose. He also created these three monuments:

\* Grand Canyon-Parashant National Monument, more than a million acres on the northern rim of the Grand Canyon.

\* Agua Fria National Monument, a 71,100-acre site 40 miles north of Phoenix. It includes rock pueblos that were inhabited centuries ago.

\* California Coastal National Monument, which comprises thousands of islands, rocks and reefs

along 840 miles of California coast.

Clinton was joined today by Interior Secretary Bruce Babbitt, a former Arizona governor who long has championed expanding the zone of protection around the Grand Canyon. Speaking before the president, Babbitt said Clinton "has written a full, final chapter to the protection of this canyon."

#### Protected Land

President Clinton today declared three new national monuments and expanded a fourth.

#### 1. Coastal National Monument

Thousands of small islands, reefs and rocks off the California Coast.

#### 2. Pinnacles National Monument

To be expanded.

#### 3. Grand Canyon-Parashant National Monument

1,500 square miles of desert.

#### 4. Agua Fria National Monument

71,000 acres filled with Indian ruins.

SOURCE: White House Council on Environmental Quality

President Clinton, with hiker Ann Weiler Walka, speaks at Grand Canyon, Ariz., after signing proclamations creating national monuments.

**LOAD-DATE:** January 12, 2000

**LANGUAGE:** ENGLISH

**GRAPHIC:** IG,,TWP; MAP,,TWP

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[Return to List](#)

5 of 6 DOCUMENTS

Congressional Quarterly Daily Monitor

January 7, 2000

## **GOP TELLS CLINTON TO BUTTE OUT OF NATIONAL MONUMENTS**

**BYLINE:** Mary Dalrymple, CQ Staff Writer

**LENGTH:** 639 words

Amid expectations that President Clinton will establish three new national monuments and expand one during a visit to the Grand Canyon on Tuesday, Arizona Republicans have already begun to express their irritation.

"They have not even told us what the areas are, what the boundaries are, what the limits will be. It's basically a decree," said Sen. Jon Kyl, R-Ariz.

Interior Secretary Bruce Babbitt recommended last month that Clinton establish two new monuments in Arizona -- a million-acre Grand Canyon Parashant National Monument north of Grand Canyon National Park to protect remote canyons and buttes; and a 71,000-acre Agua Fria National Monument to protect prehistoric American Indian ruins.

In addition, Babbitt proposed a new California Coastal National Monument, incorporating thousands of small islands, rocks and reefs that serve as a wildlife habitat, and expanding the Pinnacles National Monument south of San Jose by 8,000 acres. The federal government already owns the land that would be protected, but the new designation would block mining, grazing, hunting and commercial development.

Arizona Republicans objected to the creation of new national monuments, saying the Clinton administration should work with state officials and local citizens to carve out new protected lands.

"There have not been public hearings," Kyl said. "There have been a couple of meetings where there was no transcript, with an informal exchange of ideas."

The expected announcement also faces opposition from Arizona's Republican governor, Jane Dee Hull.

"The governor does not like it when Washington dictates to the state of Arizona," said spokeswoman Fancie Noyes.

In particular, the governor and lawmakers prefer using legislation to protect land north of the Grand Canyon. Sens. Kyl and John McCain, R-Ariz., have drawn up a bill (S 1560) that would set aside 380,000 acres of land in a proposed Shivwits Plateau National Conservation Area, considerably less than Babbitt's proposed million-acre park.

On Friday, the state's Republican congressional delegation and Hull sent Clinton a letter asking him to forgo the declaration.

"Once again, we are writing to ask you to refrain from this unilateral action and instead work with us to develop a solution reflecting the wishes of the people of Arizona," they wrote.

Other Republicans suggested that the declaration could be timed to boost Vice President Al Gore's presidential candidacy.

"These lands are our sacred trust and should not be used for election-year politicking or personal legacies," said Utah Republican James V. Hansen, chairman of the House Resources Subcommittee on National Parks and Public Lands.

The president has the power to designate new national monuments under the 1906 Antiquities Act. Clinton provoked Western Republicans after he used the law to create the 1.7 million-acre Grand Staircase-Escalante National Monument in southern Utah in 1996.

In response, Hansen authored legislation that would amend the 1906 law to require the federal government to consult with local officials and hold public hearings before establishing new monuments.

GOP TELLS CLINTON TO BUTTE OUT OF NATIONAL MONUMENTS Congressional Quarterly Daily  
Monitor January 7, 2000

The House passed the bill (HR 1487) in September, and the Senate Energy and Natural Resources Committee approved it in October but has not yet reported it to the Senate.

After Babbitt's December recommendations to establish more national monuments, panel chairman Frank H. Murkowski, R-Alaska, said he would revisit the issue as soon as Congress reconvened. He suggested the committee might add new provisions to the bill requiring the federal government to draft environmental impact statements for all proposed new monuments.

Source: CQ Daily Monitor

Round-the-clock coverage of news from Capitol Hill.

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[Return to List](#)

6 of 6 DOCUMENTS

Congressional Quarterly Daily Monitor

December 14, 1999

## **WESTERN LAWMAKERS WARY OF CLINTON PLAN ON MONUMENTS**

**BYLINE:** Suzanne Dougherty, CQ Staff Writer

**LENGTH:** 601 words

With President Clinton's announcement Tuesday that three new national monuments could be designated within the next year, Western Republicans are on the warpath.

Heading the charge is the congressional delegation from Arizona, which would be home to two of the new monuments. A spokeswoman for Republican Bob Stump, who represents the district where the monuments would be located, said the delegation is writing the president to urge him to hold off on the designations.

"Artificial time constraints do not make good policy. There are no urgent threats to the area that we can't take the time to go through a public comment period and spend the necessary time to work with people who have an interest in the areas," said Lisa Atkins, Stump's chief of staff.

Recommendations submitted to President Clinton by Interior Secretary Bruce Babbitt would create national monuments in Arizona and California, and expand another in California. Clinton indicated in a speech on Tuesday that he will probably act on the recommendations within a year.

Babbitt proposed designating 1 million acres along the north rim of the Grand Canyon as the Grand Canyon-Parashant National Monument; 71,100 acres of federal land north of Phoenix as the Agua Fria National Monument; thousands of small federally owned islands, reefs and rocks along the California Coast as the Coastal National Monument; and adding 8,000 acres to the Pinnacles National Monument near San Jose, Calif.

Arizona Gov. Jane Dee Hull, R, is displeased with the recommendations of Babbitt, a former Arizona governor. While some of the parcels fit the federal government's criteria for land preservation, a governor's spokesman said other areas are not threatened.

"The governor believes that the federal government is coming in and running roughshod over the process without any input from the public," said Scott Celley, the governor's assistant.

Clinton has come under fire for his use of the powers granted to him under the little-used 1906 Antiquities Act. The law allows the president to unilaterally set aside threatened federal lands as national monuments.

Critics say the monument designation has become a political tool with little accountability, citing Clinton's September 1996 designation of 1.8 million acres in southern Utah as the Grand Staircase-Escalante National Monument.

Environmental groups praised the possible designations and urged the administration to do more to protect the environment. "Bravo to the administration for making some national monuments, but that is not going to take away from the fact that they have not addressed some of the major environmental problems we are facing today," said Mark Whiteis-Helm, a spokesman for Friends of the Earth.

Legislation that would allow more public participation in monument designations has strong support from Western lawmakers. One measure (HR 1487) introduced by Utah Republican James V. Hansen was passed by the House in September and approved by the Senate Energy and Natural Resources Committee on Oct. 20.

In light of the president's announcement Tuesday, however, Senate Energy Chairman Frank H. Murkowski, R-Alaska, indicated that he would take another look at the legislation before reporting it out of the committee. "Early in the next session, the

WESTERN LAWMAKERS WARY OF CLINTON PLAN ON MONUMENTS Congressional Quarterly Daily  
Monitor December 14, 1999

committee will probably take the bill up again in an effort to strengthen the provisions," said Tina Kreisher, the committee's press secretary.

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[Return to List](#)

2 of 3 DOCUMENTS

The Denver Post

July 12, 2000 Wednesday 2D EDITION

## Owens axes federal land swap Cites Clinton's high-handed tactics in creating national monuments

**BYLINE:** By Mike Soraghan, Denver Post  
Washington Bureau,

**SECTION:** DENVER & THE WEST; Pg. B-01

**LENGTH:** 731 words

WASHINGTON - Gov. Bill Owens, angered by what he considers the high-handed tactics of President Clinton in his drive for a 'lands legacy,' has called off a land swap involving 180,000 acres in 20 counties.

Owens' top lieutenant for public lands, Department of Natural Resources head Greg Walcher, put the kibosh on the swap that state and federal managers had been working on for more than six months.

The Owens administration said that Clinton and Interior Secretary Bruce Babbitt created the Canyons of the Ancients National Monument in southwest Colorado without regard for what local residents thought of it.

And Owens is worried that Clinton will do the same thing in northwest Colorado near Craig. Some environmental groups have proposed creating a Vermillion National Monument there.

'We're concerned that they're kind of having their way with us without any consent or any public input,' said Susan Wadhams, spokeswoman for Walcher.

Officials with the state Land Board and the U.S. Bureau of Land Management had been working on the massive exchange.

State officials say Babbitt had suggested the swap to streamline ownership, eliminating 'inholdings' on each other's lands.

The land that would have been exchanged is scattered across the state, but much of it is in northwest Colorado, Grand County and the San Luis Valley. It didn't involve land in the new Canyons monument or the proposed Vermillion.

But after Clinton designated Canyon of the Ancients in June, Walcher sent a memo to the Land Board saying the administration did not want to proceed with the land bartering. A spokesman for Owens said the governor has not been directly involved in the land swap, but wholeheartedly approves of what Walcher is doing.

'We don't want to deal with someone who's not dealing with the public,' Susan Wadhams said.

That's fine with Babbitt, according to his spokeswoman.

'The Bureau of Land Management is continuing to do technical work on this proposal,' said Stephanie Hanna of the Department of the Interior. 'It will continue to work with the state at whatever pace the state chooses.'

It was to have been done as a 'legislative land exchange,' which bypasses some of the usual federal appraisal procedures by having a member of Congress get it passed.

Some environmentalists have bitterly fought such deals in other states, saying they're a bad deal for federal taxpayers. They say that state land boards in the West, which manage their land to raise money for schools, usually get a sweetheart deal. So they're surprised to see a state blocking such a swap.

'I can't understand why Owens would oppose it,' said Janine Blaeloch, director of the Western Land Exchange Project. 'The states are making out so well.'

Owens axes federal land swap Cites Clinton's high-handed tactics in creating national monuments The  
Denver Post July 12, 2000 Wednesday

A General Accounting Office report critical of such land exchanges, including some in Colorado, is expected to be released next week in Washington.

But in Colorado, environmentalists support land exchanges as a way to separate state land, which generally must be managed to raise the most money for schools, from federal land, which can be used purely for conservation purposes. Pam Eaton, the Denver-based regional director for the Wilderness Society, expressed some disappointment that Owens is stopping the swap.

'It's unfortunate that this process would be scuttled for political reasons,' Eaton said. 'These exchanges can be very productive.'

In his drive to create a federal lands legacy before he leaves office in January, Clinton has designated eight new monuments this year.

Monument status can restrict mining and oil and

gas exploration at a site, along with other activities, depending on how the government's management plan is drafted.

Owens says he fears that Clinton will create another monument, Vermillion, in northwestern Colorado near Craig and Dinosaur National Monument, because the National Wildlife Federation and other environmental groups have proposed it to Babbitt. But Babbitt has expressed no support for the proposal.

Owens also showed his dislike for Clinton's tactics by pulling together nine other Republican governors in the West to demand that the administration seek public input before creating any new monuments.

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Mont. may sit tight on exchange of lands .....	2
Montana's Missouri Breaks: Undaunted Stewards .....	4
Montana panel backs smaller monument.....	9

## **Mont. may sit tight on exchange of lands**

FAITH BREMNER  
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WASHINGTON -- As private landowners clamor to have their property removed from the Upper Missouri River Breaks National Monument, the state of Montana is in no hurry to yank its land from the controversial new monument.

The House Resources Committee approved a bill Wednesday that would remove 81,000 acres of privately owned land from the monument and redraw its boundaries. The bill, introduced by Rep. Dennis Rehberg, R-Mont., says nothing about the 39,000 acres of land in the monument that belongs to the Montana Division of School Trust Lands.

President Clinton created the 377,000-acre monument shortly before leaving office. Although Gov. Judy Martz has been one of the monument's loudest critics, she hasn't asked Congress or the federal government to have the state's lands removed from its boundaries.

That's a position the state land board would have to take, and it has not yet discussed the issue, said Todd O'Hair, Martz's natural resource policy adviser. The state land board is made up of three Democrats and two Republicans -- the governor, attorney general, auditor, secretary of state and superintendent of public instruction. The board's job is to manage the state's 5.1 million acres of trust lands in a way that generates the most money for the state's schools.

"It's a very controversial issue, and a lot of time these issues have a tendency to fall along party lines," O'Hair said. "If Congressman Rehberg can get the legislation through for the private landowners, that will be good."

The state will gain more financially by leaving the land in the monument, for now, and then trading it for other federal land later, said Janine Blaeloch, a Seattle-based critic of federal land exchange programs. That's because the Bureau of Land Management has a history of giving away the store when it exchanges its land for state lands in national monuments and wilderness areas, especially when development is mentioned, she said.

"The state is going to make out like crazy," said Blaeloch, director of the Western Land Exchange Project. "Montana must be rubbing their hands knowing they own this valuable historic land. All they have to do is threaten to build a road, and everybody will go nuts."

The BLM would not be interested in doing a land exchange with the state if its lands are removed from the monument's boundaries, Monument Manager Gary Slagel said.

"We can't enlarge the monument; only Congress can," Slagel said.

The state of Utah is making a ton of money off BLM lands it received in exchange for a lot of low-value land it owned in the Grand Staircase-Escalante National Monument, Blaeloch said.

In 1999, Utah received 200,000 acres of BLM land, which included the Ferron Coalbed Methane Trend in central Utah, plus \$50 million cash. In exchange, the federal government received 177,000 acres of state land in the national monument plus an additional 200,000 acres of state lands that were scattered around wilderness areas, national forests, parks and reservations in Utah.

Before the exchange, Utah received about \$100,000 a year off the land it owned in the national monument. Since the exchange, it has earned \$10 million off the land it received from the BLM on its coal-bed methane leases, according to the Utah Trust Lands' Web site. Within two years, Utah expects to receive \$10 million a year for 20 years on this land with residual revenues continuing for a century.

Dave Hebertson, spokesman for Utah Trust Lands, said the state gave up very valuable coal deposits in the national monument. The coal is low in sulfur and would be easy to mine. Even though it's in a national monument, he predicted that it will be mined someday, "five days after the hot tubs in California go cold."

"(The exchange) has been very lucrative for us," Hebertson said. "It's really wrong to believe the federal government got hoodwinked."

"They're smart people. They drove as hard a bargain as anyone."

BLM spokeswoman Celia Boddington said her agency does a good job of appraising lands involved in exchanges, and that taxpayers get good value for lands they get in exchange. BLM appraisers are licensed and certified and follow professional standards, she said. In Las Vegas, where the BLM has congressional authority to auction its lands rather than exchange them, the agency's appraised values come in very close to the actual selling prices, she said.

"Clearly, it's a very different market in Las Vegas, but if we can get it right in Las Vegas, we can get it right in most places," Boddington said.

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## Features

### Montana's Missouri Breaks: Undaunted Stewards

By Clint Peck Senior Editor

2,573 words

1 January 2002

BEEF

BEEF

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English

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The area is known simply as "the breaks." It's a rugged, remote slice of north-central Montana cradling the upper reaches of the Missouri River as it zig zags through the badlands. By most assessments, the breaks have changed little since Lewis and Clark ventured into this frontier nearly 200 years ago.

By design, their journey (see sidebar on page 19) opened a growing country's eyes to the vast potential this and other places in the West held for American expansion.

Over the decades, scores of ranching families have grown into the fabric of the breaks. They have stewarded the land, water and wildlife -- working with government land managers assigned to oversee the public resources that characterize the area. For nearly 20 years though, there's been an undercurrent of resentment over the designation of a 149-mile stretch of the Missouri River as "Wild and Scenic."

Public interest in the breaks intensified after publication of historian Stephen Ambrose's book "Undaunted Courage" -- one of the more popular chronicles of the Lewis and Clark expedition. Then in 1999, Interior Secretary Bruce Babbitt floated through the river breaks with Ambrose, Montana Sen. Max Baucus and a cadre of environmental activists. There was no question Babbitt wanted the area preserved.

So last January, President Clinton, using his powers under the U.S. Antiquities Act, created the Upper Missouri River Breaks National Monument.

Now, this designation and attention to the Lewis and Clark expedition's upcoming bicentennial is haunting people and communities that have become dependent on the resources in and around the breaks. Comprised mainly of land managed by the Bureau of Land Management (BLM), the nearly half-million-acre monument also includes 40,000 acres of state land and 81,000 acres of privately owned land. It's estimated that ranchers graze nearly 10,000 head of cattle on land they own and/or lease within the monument boundaries.

#### So Where's My Hug?

"There's no question that, in time, this designation is going to affect our grazing uses as well as the value of our ranches," says rancher Matt Knox, Winifred, MT. He and his wife Karla feel their lives will change in what is now designated as national monument area.

"It happened when we got the Wild and Scenic designation, and it will happen again," Matt Knox says. "We think it's the next step in phasing out ranching in this area."

The Knoxs have demonstrated that grazing systems on both their private land and leased allotments have helped protect the environment. But, they now feel they'll be held to a higher standard with the monument.

Wendy Whitehorn, Dutton, MT, is a member of Friends of the Missouri Breaks Monument. She emphasizes that the vast majority of land in the monument is public land, and the designation will not affect ranchers' private property.

"The BLM will continue to manage the public land as it always has," Whitehorn says. "And, the public has every right to know what is happening on public land."

Knox, though, gets a little tired of people telling him what a great thing monument status will be for ranchers.



"We'll see more interference into our lifestyles. It won't happen overnight -- but it will happen," he says. "They say there's good 'karma' coming with this designation. And, they think we'll all have a big group hug when it's finished -- well that's just not going to happen."

#### In Neon Lights

While the Knoxs look down the road at long-term threats to the livestock business, they and others are also keeping an eye on what monument status means in the short run. And they shake their heads at what Clinton and Babbitt thought they were accomplishing.

"This remote location retains unspoiled, natural settings that form a backdrop for outstanding recreational and cultural tourism opportunities," stated Babbitt after his trip down the river. He noted the "remote location offers opportunities for solitude not commonly found today."

"Babbitt effectively built a giant neon sign saying the breaks are 'open for business' -- so to speak," says outdoor enthusiast Ron Poertner of Winifred. He's a retired military officer with family ties in central Montana.

He says Babbitt supported his arguments for monument designation by predicting as many as 2,000 people/day would float portions of the breaks during the height of the Lewis and Clark bicentennial set to begin in 2003.

"Monument designation is a death wish for the preservation of the breaks," Poertner explains. "Now there is potential for resource damage in the breaks."

Whitehorn says this is exactly the reason for monument status.

"We all believe the monument needs to stay intact," she says. "We're not thrilled about seeing millions of visitors, but we need to be prepared for them when they come." She says monument designation is the best way to prepare for the inevitable attention to the breaks.

Whitehorn explains that monument status gives the BLM "line-item" budgets for the breaks. And funding will come in time to for monument managers to plan ahead.

Poertner believes ranchers should be given more credit for preserving the breaks -- and not be penalized for living there. He says ranchers have the most to lose with monument designation.

"I just can't see what the upside is here. You can't tell me traditional uses won't be affected," Poertner says. "This country is in better shape than it's ever been because these ranchers have figured out how to live here. They certainly can't do it by abusing the land."

#### Promises, Promises...

Last winter the Bush administration, through Interior Secretary Gale Norton, promised to assess the impact of monument designation. Norton criticized Clinton and Babbitt for fostering conflict and hardship -- instead of environmental stewardship.

"They didn't work with local property owners, elected officials and other people whose lives were affected," Norton said in a March 2001 statement. "We're committed to building on the principle of respect for property rights."

Whitehorn argues, though, that there was an extensive public process that occurred prior to designation.

"The BLM held many public hearings and took hundreds of comments," she explains. "Babbitt gave our congressional delegation a chance to come up with their own plan to protect the breaks. They didn't do it."

Nevertheless, Norton looked for alternatives to undo what she called an "11th-hour action by the Clinton administration." She sent letters last summer asking Montana Gov. Judy Martz and other local officials for input into monument boundaries and an interim management plan. Martz appointed a task force charged with soliciting input on those two points.

But with the events of Sept. 11, national priorities changed. Attention to things like monument designations eroded. Some believe it's a convenient excuse to sidestep controversy and cop-out on the issue.

"I think the secretary reneged on her earlier commitment -- saying she really doesn't have the authority to make these changes," says Steve Pilcher, executive secretary of the Montana Stockgrowers Association. "I think it's

unfortunate Secretary Norton put Gov. Martz and a lot of other Montanans through all that agony -- and let me tell you, the arguments were very brutal."

Others think Martz could have been more insistent with Norton. There was consensus during one task force meeting that the governor failed to give her full support to task force recommendations.

"From the very beginning she had steadfastly opposed monument designation," adds Pilcher. "Personally, I'm surprised she's taking the secretary's change in direction as well as she is."

#### A Legislative Approach?

So, with executive branch attention to the breaks shut down -- monument opponents are looking into the legislative arena for help.

Even as early as July, legislation (H.R. 2114, the National Monument Fairness Act) was drafted recognizing there was virtually no time for opposing sides to negotiate a compromise over monument land use or boundaries. But, H.R. 2114 was also shelved after Sept. 11.

Now it appears the ranchers' best hope for relief is legislation that would exclude private property from the monument boundaries. With Gov. Martz's blessing, Rep. Denny Rehberg (R-MT) says he'll draft legislation removing private land from monument boundaries.

Whitehorn is not sure this legislation is necessary, though. She says access to private property and traditional grazing uses are already protected by Clinton's proclamation.

"I don't know what the purpose would be to take the private property out of the monument," she says, adding that no one is telling anyone what can or cannot be done with private property.

"We want to keep those guys on the land," Whitehorn explains. "The proclamation and the Interim Management Plan both state that grazing can continue."

#### Welcome To The Breaks

Some ranchers aren't so sure about Rehberg's legislation -- but for different reasons. They feel it only scratches the surface of the problems they're facing.

"There's a lot spelled out in the monument resolution and the Antiquities Act that really bothers us," says Knox. "It just leaves too much room for interpretation. These things will come back to haunt us."

Wording of particular concern is over water rights. Monument status assures, "a quantity of water... sufficient to fulfill the purposes for which this monument is established."

"That's a Trojan Horse for government water rights," says Poertner. "Who's going to decide how much water is needed from the river's tributaries 'for the purposes' of the monument?"

Consideration for species thought to be potentials for the Endangered Species list -- like sage grouse and prairie dogs -- also concerns ranchers. They fear perching and nesting habitat for many species of falcons, eagles, hawks and shore birds could become the next spotted owl issue.

The coulees and breaks contain archeological and historical sites, from teepee rings and remnants of historic trails to abandoned homesteads. Warning has already been given by the BLM to all "unauthorized" persons not to injure, destroy or remove any feature of the monument.

#### An Old Story

"Monument designation changes the way the government looks at all the animals, features and all uses in the breaks," says Karla Knox. "We just can't say where they will draw the line."

For example, predator control will be left in the hands of the monument manager. And a "transportation plan," including road closures or travel restrictions, will be implemented by the BLM to protect the "objects" identified in the monument proclamation.

And Poertner says the designation opens the door for more government land grabs.

"The proclamation states that lands within the proposed monument not owned by the government shall be reserved as a part of the monument upon acquisition of title by the U.S.," he says.

But, the BLM has no hidden agenda for the private lands within this boundary, says Dave Mari, Lewistown, MT, field manager for the BLM. However, he says if a willing landowner approaches the BLM about an acquisition, easement or an exchange, the BLM would manage the acquired lands just as other public land within the monument.

Poertner doesn't buy it. And he wonders aloud why, with all the local opposition to monument designation, so much land had to be set aside.

"I just can't see why they need so much land," he says. "There's just more to this than meets the eye."

Whitehorn says there's tremendous public support for the monument, and boundaries were carefully drawn.

"Several opinion polls showed support for the monument. All the major Montana newspapers and some of the smaller ones came out in support of the monument," she points out. "So, how can the designation be 'haunting' Montana?"

For Pilcher, it's the fear of the unwritten.

"It isn't the changes implemented today that the people fear as much as the 'vehicle' monument designation provides for future changes," explains Pilcher. "The agencies and their supporters are smart enough not to make dramatic changes immediately, as the backlash would be overwhelming. It's an old story to say there will be no change."

But, the proclamation clearly states that the designation applies only to public land, emphasizes Mari.

Knox isn't being swayed by what he thinks are hollow promises.

"Everyone is telling us this is something we're going to have to live with," he concludes. "I don't know about that -- I guess we'll see. If it is, it's a tough pill to swallow."

#### The History Of "The Breaks"

On April 30, 1803, a single pen stroke by President Thomas Jefferson doubled the geographical area of the U.S.

Napoleon Bonaparte, preparing for another war with England, had announced he'd sell the port of New Orleans to the U.S. if Jefferson would also take the entire 820,000-square-mile Louisiana Territory for \$15 million or about 3cents/acre.

While New Orleans was strategically important to Jefferson, he viewed westward expansion equally key to the future of the young country. He convinced Congress the commercial and agricultural possibilities of the region were crucial to the nation's growth.

First, the Louisiana Purchase had to be explored and charted. On July 5, 1803, the president's aide, Meriwether Lewis, left Washington, D.C., to begin assembling an expedition to survey the headwaters of the Missouri River and to search for a waterway connecting it with the Pacific Ocean.

Over the next four years, Lewis and his friend William Clark would lead the Corps of Discovery. They explored lands and rivers and experienced peoples previously enigmatic to 19th Century Americans. They spent three weeks -- May 24 through June 13, 1805 -- exploring what is now the Upper Missouri National Wild and Scenic River. Today, this portion is considered to be the premier component of the Lewis and Clark National Historic Trail.

Earlier depictions of the land and creatures in the West had often come from the imaginations of people who had never been there. Many reports told of Western terrain spotted with unicorns, woolly mastodons, seven-foot-tall beavers, Peruvian llamas and blue-eyed, Welsh-speaking Indians.

Lewis and Clark dispelled many of those myths and made numerous assessments of the region's potential.

Of the Missouri Breaks, or "badlands," Captain Clark wrote: "This country may with propriety, I think, be termed the Deserts of America, as I do not conceive any part can ever be settled, as it is deficient in water, timber, and too steep to be tilled." History has shown, of course, that Clark was only partly correct in his appraisal of the region's agrarian potential.

But, he knew that as a route of Western expansion, the Missouri River would have few equals. The fur trade era stimulated the first extensive use of the river as an avenue of transportation. Then, steamboats began braving the treacherous Missouri in 1859, arriving just in time to supply the gold camps in southwest Montana and northern Idaho. Supplies unloaded in Fort Benton, MT, were freighted as far west as Washington and north to Canada's Northwest Territories.

The railroad reached Fort Benton in 1887. The last commercial steamboat arrived there in 1890. By then, the buffalo had disappeared from the Plains -- replaced by livestock. Fort Benton changed from a river port to an agricultural supply center, and homesteaders began arriving in large numbers around 1910.

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ANews

**Montana panel backs smaller monument**

Associated Press

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19 August 2001

The Milwaukee Journal Sentinel

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A task force appointed by Republican Gov. Judy Martz has recommended scaling back the size of the Upper Missouri River Breaks National Monument, established by then President Bill Clinton.

The panel recommended shrinking the 497,000-acre monument by more than 80% by removing 81,000 acres of private property and a significant chunk of public land. The move was praised by landowners but condemned by environmentalists.

"It basically just makes the monument (status) meaningless," said Mark Good, field organizer for the Montana Wilderness Association.

National monument status protects areas from new natural gas leases and mining but keeps existing rights. Off-road vehicle travel also is forbidden.

Clinton created the monument during his final year in office. Martz appointed the task force after Interior Secretary Gale Norton asked state officials to suggest boundary and other changes to national monuments.

Task force members on Tuesday recommended trimming the monument designation to 90,000 acres. Martz is expected to send her recommendation to Norton before Sept. 1.

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[Return to List](#)

3 of 3 DOCUMENTS

Federal News Service

APRIL 29, 1997, TUESDAY

**PREPARED STATEMENT OF  
MICHAEL O. LEAVITT  
GOVERNOR, UTAH  
BEFORE THE HOUSE  
RESOURCES COMMITTEE  
SUBCOMMITTEE ON NATIONAL  
PARKS, FORESTS AND LANDS**

**SECTION:** IN THE NEWS

**LENGTH:** 2357 words

Thank you for allowing me the opportunity to speak to you today about the recently designated Grand Staircase - Escalante National Monument in Southern Utah.

The protection of public lands in the State of Utah is a familiar issue. The federal government administers more than 65% of the land in the State, and we are continually pursuing new and better ways to work with the federal government in the planning and administration of these lands. We have worked hard to build relationships, forge partnerships, and lay the groundwork for interagency cooperation unmatched by other public lands states. For these reasons, the chain of events surrounding the establishment of the Grand Staircase - Escalante National Monument have caused me great concern, and created a greater distrust of governmental processes by many people in the State of Utah.

On September 18, 1996, President Clinton invoked a provision of the 1906 Antiquities Act to designate 1.7 million acres in southern Utah as the Grand Staircase - Escalante National Monument. The first reports of this that I, or any other elected official in the State of Utah, had received were from a story in the Washington Post only 9 days prior to Mr. Clinton's public proclamation.

I would like to share with you a day-by-day account, from my perspective, of the events leading up to President Clinton's announcement:

Monday, September 9, 1996: Upon reading of the

new National Monument in the Washington Post, I placed a call to Secretary of the Interior Bruce Babbitt. I asked Secretary Babbitt about the article in the Post and was told that Interior was not involved and that I should call the White House.

When I called the White House, I spoke with Director of Intergovernmental Affairs, Marcia Hales. She had seen the story and told me that they weren't certain where it came from. She committed to get back to me relative to how serious the proposal was.

Wednesday, September 11, 1996: Two days later, Ms. Hales reported that a monument was being discussed but "no decision had been made." I asked, "what is the timing on this?" "That's what we are trying to decide," she replied. I asked Ms. Hales for an appointment with the President Clinton or his Chief of Staff, Leon Panetta. Later that week an appointment was confirmed with Mr. Panetta for the following Tuesday.

Friday, September 13, 1996: My office became aware through the news media that an important environmental announcement was planned by the President at the Grand Canyon the following week. Preparations were being made by environmental organizations to transport groups from Utah. When we inquired directly of the Administration about the time, place and subject of an event they were not willing to even confirm the event would occur. Local governments in Utah were becoming more and more concerned. On two other occasions during the week I had conversations with Mr. Babbitt or his office. They continued to indicate that they had no information, insisting that this matter was being handled by the White House. When we called the White House we were referred to the Interior Department.

Late Friday afternoon, Secretary Babbitt called an emergency meeting in his office for the next day, Saturday. The Congressional delegation was invited. I was not able to attend the meeting, but the fact that meetings were being called on a weekend added to the sense of inevitability. However, we were still being told that "no decision had been made."

Monday, September 16, 1996: The weekend was a

PREPARED STATEMENT OF MICHAEL O. LEAVITT GOVERNOR, UTAH BEFORE THE HOUSE  
RESOURCES COMMITTEE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND LANDS  
Federal News Service APRIL 29, 1997, TUESDAY

blur of phone calls, and meetings with local officials. Despite the fact that buses were being organized to take Utahans to Arizona for the announcement, the Governor's office could still not get confirmation of where or what the official announcement would be. I traveled to Washington for my meeting with Mr. Panetta. Tuesday, September 17, 1996: Tuesday afternoon, I met with Mr. Panetta. I was told that Mr. Panetta had the responsibility of making a recommendation to the President. Mr. Panetta said that he had set aside the afternoon to prepare that recommendation. Kathleen McGinty, Chair of the President's Council on Environmental Quality, Marcia Hale, Director of Intergovernmental Affairs and another member of the White House staff.

My presentation focused on the problems caused by this complete abandonment of public process. I explained that it was our desire to protect the spectacular lands of this region but that this was the wrong way to go about it. I detailed for them a proposal ironically called, Canyons of the Escalante: A National EcoRegion that resulted from an intergovernmental public planning process I initiated three years earlier to protect the area. This concept was developed by state, local and federal land managers working together for over a year. It would have provided flexibility and yet gave even more stringent protection for the most pristine areas. I also spent a considerable amount of time discussing our school trust lands. Mr. Panetta asked me to explain the status of those lands.

Prior to our discussion he was unaware of their existence or the importance they hold to the school children of our state.

Our meeting lasted just under an hour. Mr. Panetta told me that this was the first time he had been able to focus on this issue. He reiterated that he would make a recommendation to the President that afternoon. To Mr. Panetta's credit, he was very thoughtful in the questions he asked. He told me that he didn't like making decisions in a vacuum like this. At the conclusion of the presentation, Mr. Panetta said, "you make a very compelling case." To which I replied, "If this is compelling to you, then before the President sets aside part a piece of land equal to Rhode Island, Delaware and Washington, D.C. combined, he needs to hear the same information, directly from the Governor of the State." I was told Mr. Clinton was campaigning in Illinois and Michigan, but he would call me later in the evening.

Wednesday, September 18, 1996: At 1:58 a.m., my telephone rang, it was the President. The President told me that he was just then beginning to review this matter. I restated in short form the material I

discussed with Mr. Panetta.

The call lasted for nearly 30 minutes. At 2:30 a.m. we were both very tired. I offered to write a memo that the President could read when he woke in the morning. He asked that I write the memo. I sat at the desk in my room and prepared a handwritten two plus page memo to the President. It was faxed to him at 4:00 a.m. that morning. The memo, told the President that if a monument was going to be created he should create a commission that included state and local government officials to recommend boundaries and to solve a number of management questions. I told him that it should work toward a policy that protects the land, preserves the assets and maintains the integrity of the public process. I knew the local government leaders in this area would welcome such a process. At 7:30 a.m. I spoke with Mr. Panetta. He had reviewed the memo that was written for the President and again indicated he felt my ideas had merit. He said he would be reviewing the matter again with the President. Later in the morning Mr. Panetta called to inform me that the monument would be announced. He detailed the conditions of the action, which gratefully, incorporated some of my suggestions on water, wildlife access and a planning process with local and state participation.

At 2 p.m. Eastern time, President Clinton stood on the north rim of the Grand Canyon to announce the creation of the Grand Staircase- Escalante National Monument, a 1.7 million acre expanse in Utah's Garfield and Kane counties. No member of Congress, local official or the Governor were ever consulted, nor was the public. As the Governor, I had not seen a map, read the proclamation or for that matter even been invited. This is not about courtesy, it is about process and public trust. A major land decision, the biggest in the last two decades, was being made. Obviously, this is not the way public land decisions should, nor were ever intended to be made.

In 1976 this nation made an important public policy decision. Congress passed landmark legislation in the Federal Land Policy and Management Act (FLPMA), requiring great deliberation and careful process in determining how public lands would be used. That act, and other related legislation, contains protections for states and local communities. It is the policy of my administration to assure that our state is not denied those protections. We will defend Utah's interest against abuses of our existing protections and we will seek additional protections where they are currently



PREPARED STATEMENT OF MICHAEL O. LEAVITT GOVERNOR, UTAH BEFORE THE HOUSE  
 RESOURCES COMMITTEE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND LANDS Federal  
 News Service APRIL 29, 1997, TUESDAY

inadequate.

The President's use of the Antiquities Act to create the monument was a clear example of inadequate protection. Our system of government was constructed to prevent one person from having that much power without checks or balances from another source. This law was originally intended to provide emergency power to protect Indian ruins and other matters of historic importance. Over the past ninety years the federal courts have allowed a gradual expansion of the powers. The President's recent proclamation was a classic demonstration of why the founders of this nation divided power. Power unchecked is power abused. Utah and other states need protection from further abuses of the 1906 Antiquities Act. My administration will join other states in support of appropriate amendments. Land preservation decisions must consider the relationship between the land and the local economy. The State of Utah intends to intensify our efforts in assisting in the promotion of new economic opportunities for the region and will challenge the national government to be responsive to the needs that its actions in Southern Utah have created. Historically, whenever the federal government has determined that a local interest is subordinate to the national interest, then some form of federal assistance is provided. We should all focus on developing real economic opportunities for rural Utah counties in order to build a more diversified and sustainable economy.

There are many issues surrounding the creation of this monument apart from the designation process. One of the most controversial and most complicated are the school trust lands located within the boundaries of the monument. Approximately 176,000 acres of school trust lands were included within the monument.

The school trust lands are managed by the Utah School and Institutional Trust Lands Administration, an independent state agency. The Trust Lands Administration is governed directly by a separate Board of Trustees, and is required to optimize the value of the lands for both the short and long term.

The Chairman of the Board of Trustees will testify later today and will give more details. However, I want to emphasize that not only did the declaration of the monument possibly affect the use and value of the trust lands in the long term, but also that several sources of revenue from the lands, including an imminent multi-million dollar deal involving coal, have been eliminated as a result of the declaration.

The Board of Trustees, the Trust Lands Administration and myself are united in protecting the value of the trust lands within the monument and

in protecting the purposes of the trust. We will work together to see that either the land can be used for their purpose as the national economy permits or that other federal assets will be available as compensation for the trust lands.

I appreciate the President's remarks concerning the trust lands at the time he signed the declaration and appreciate his decision to resolve any reasonable differences in value in favor of the school children as part of any land exchange proposal. However, I must express some healthy skepticism about the efficiency of the federal exchange or compensation process and the ability to bring such processes to conclusion at all. The problem of school trust lands within federal reservations like the monument is both an old problem and a constantly recurring one. Currently, Trust Lands and the federal government are negotiating several different exchange packages, including the statutorily authorized process mentioned by the President in his remarks (P.L. 103-93). These exchange processes are complex, heavily laden with federal rule-driven procedures and very costly to the trust. The Trust Lands Administration estimates that an exchange process for the monument lands, similar to that in P.L. 103-93, could cost 5 to 10 million dollars; a cost which, in all fairness, should be covered by the federal government.

I would hope that we can learn from past experience and begin to take advantage of new ideas or approaches which are more expeditious, yet fair to both parties. The Trust Lands Administration intends to propose solutions for the trust lands within the monument in the near future. I will ask Congress to give these proposals serious consideration and to consider appropriating funds to the Trust Lands Administration to offset any costs resulting from the declaration of the monument.

The State of Utah is committed to being a full partner in the planning process for the Grand Staircase - Escalante National Monument. Promises were made by both President Clinton and Secretary Babbitt which ensured the State a prominent role in the plan development and implementation process. The State of Utah intends to take full advantage of those commitments and has, in fact, already appointed five members of the planning team who will represent the State and its issues and concerns. We have every intention of being active participants in the process and committing the necessary resources to see that the Grand Staircase - Escalante National Monument best meets the needs of the citizens of the State of Utah. We intend to use every mechanism available to ensure that the federal government keeps its commitments to this

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Federal News Service APRIL 29, 1997, TUESDAY

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GOVERNOR SAYS UTAH WON'T SUE OVER MONUMENT .....	2
LEAVITT HOPES GOOD WILL EMERGE FROM BAD MONUMENT DEAL .....	4
Utah Gov. Considers Legal Challenge To National Monument .....	6
MAKING OF A MONUMENT; The Present; What Led to Clinton's Grand Staircase Decision?; Monument Decision Tied To Insiders .....	7
Utah officials up in arms about the new monument .....	9
Taking Swipes at Clinton, Utahns Vow to Fight Back .....	11
CLINTON MAKES IT OFFICIAL: MONUMENT NOW A REALITY .....	14

# Deseret News

## GOVERNOR SAYS UTAH WON'T SUE OVER MONUMENT

By Lucinda Dillon, Staff Writer

749 words

25 October 1996

Deseret News

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English

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Utah will not sue the federal government over President Clinton's designation of the Grand Staircase-Escalante National Monument, Gov. Mike Leavitt said Thursday at his monthly press conference.

Leavitt used the taped KUED event to reinforce his outlook for Utah's wilderness and to tell how he expects to pay for an enormous transportation project that will take place during the next several years.

State highway improvements scheduled in the next decade will cost more than \$3.5 billion, and gasoline taxes must increase by 1 cent per gallon each year during the next 10 years to help pay the bill, Leavitt said.

The state has 20 years of road and highway improvements ahead, and people are going to disagree over how to pay the costs.

"Is this going to be without pain legislatively? No. Will we get it done? Yes," he said. The \$3.5 billion price tag is much more than the roughly \$2 billion figure Leavitt has used in recent months.

Gas-tax hikes will provide \$500 million toward the project during the next 10 years. Utahns now pay a 19-cent tax on each gallon of gas they buy.

Although Leavitt said he endorses a long-term approach in which gas-tax increases are aligned with inflation, some lawmakers don't want to phase-in the gas tax over several years. There may be a move to implement it all at once when lawmakers convene in January, he said.

As he outlined sources of the \$3.5 billion, Leavitt defended accusations by Democratic gubernatorial opponent Jim Bradley and other candidates who say he's done little to plan for or deal with the insufficient infrastructure along the Wasatch Front.

A billboard purchased by the Utah Democratic Party alongside I-15 about 3900 South tells southbound drivers their traffic jam is brought to them by 20 years of Republican leadership.

But Leavitt points out that lawmakers last year set aside nearly \$100 million in general-fund cash - on top of normal highway funding. Similar amounts are built into the base of future budgets for the next 10 years.

"That money, about \$1 billion over the course of 10 years, will be added to another \$1 billion already dedicated to transportation needs over the next 10 years. Much of that money comes from the federal government.

The remainder of the money comes from the gasoline tax, \$500 million in anticipated additional federal money, \$300 million to \$500 million culled from reduced administration and waste and roughly \$500 million in bonds.

But Leavitt acknowledges that none of the \$1 billion in resources is guaranteed. "I'm probably being optimistic about the amount of new federal money," he said.

Federal funds will make up a substantially lower amount than previously believed. "It's a new world," Leavitt said. The federal funds just aren't available.

Leavitt said his "Growth Summit" last December helped lay groundwork for deliberations about transportation projects. For example, all parties were able to agree on changes that allowed a nine-year transportation plan to be streamlined to 4 1/2 years, he said.

He hopes the same kind of cooperation can be applied to the wilderness issue.

The process by which President Clinton dedicated 1.7 million acres to the monument was inadequate and political, Leavitt told reporters. ``But it's time to turn our attention away from what happened in the past and toward what happens in the future."

Instead, Leavitt wants Utah to help create a vision for the monument. ``This is not entirely negative," he told reporters.

Those who govern Utah's land - county officials, residents, environmentalists and state leaders - all must come together to decide which parts and how much of the state's land will stay wild.

Leavitt supports a mixed use for the monument: some protected wilderness, where visitors stations and roads aren't allowed; some traditional national monument areas and some land designated for multiple use.

During the news conference, he also hammered a plan by Interior Secretary Bruce Babbitt to reinventory Utah's lands. Officials say the reinventory is based on a new criteria for what constitutes wilderness, which doesn't conform to existing federal law. The criteria only applies to Utah lands.

It is ``illogical" that Babbitt is using special criteria for Utah, he said. ``There is a disturbing pattern of executive branch using unique means of distributing power in Utah," he said.

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# Deseret News

## LEAVITT HOPES GOOD WILL EMERGE FROM BAD MONUMENT DEAL

By Jerry Spangler, Staff Writer

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Deseret News

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In a twist on the adage, "when life gives you lemons, make lemonade," Gov. Mike Leavitt is hoping something positive will come from the truckload of political lemons dumped on the state by President Bill Clinton's designation of the 1.7 million-acre GrandStaircase-Escalante National Monument.

"My desire now is to try and asses the impact of what has occurred and then find ways to make the very best possible outcome from this," Leavitt said Thursday during his monthly KUED news conference. "We now need to take what's been dealt us and do the best we can to turn to the future."

Leavitt confirmed that Clinton specifically promised him that state and local governments would have a meaningful role in the development of management plans for the new monument. If that participation is, in fact, meaningful then the state would even be willing to contribute resources to the management plan, which is expected to take three years to complete.

The governor downplayed the possibility of a lawsuit against the federal government over the national monument designation, saying the state should "evaluate for awhile" the potential impacts of the designation.

That does not preclude the possibility of a lawsuit, he said, adding he first wants to meet with legislative leaders and school trust lands officials about the prospects.

The governor's comments came eight days after Clinton used the Grand Canyon as a backdrop for the Grand Staircase-Escalante National Monument announcement. The move was seen by Western states leaders as election-year pandering to environmental interests and a political swipe at conservative lawmakers who have attempted to stymie Secretary of the Interior Bruce Babbitt's conservation agenda.

The move was also targeted at stopping the development of a coal mine in the Kaiparowits Plateau, a region considered to hold the nation's largest untapped coal reserves.

The national monument designation does not categorically exclude coal mining. But it does impose a more rigorous standard by which that development could occur. "It is clear where the administration is headed," Leavitt said.

Leavitt flew to Washington, D.C., the day before the announcement to convince Clinton's staff that the state was also interested in protecting the region, but there were other ways to protect the Kaiparowits from unwanted development. The "sad part," he said, is that "everyone could have come out feeling a lot better" about the monument designation.

But Leavitt said it was clear within the first 10 or 15 minutes that the decision to designate the monument had already been made without comment or discussions with Utah officials.

"I've made a lot of statements and I think strong statements about how wrong I think it was for the president to proceed the way he did. He got his photo-op, but we are left with decades of policy to untangle."

The issue now is whether Clinton will fulfill his promise that school trust lands will be traded for other lands or resources. The monument designation effectively isolates approximately 200,000 acres of trust lands, which were given to the state at the time of statehood for the support of public schools. The state has another 200,000 acres of trust lands isolated inside other national parks, national forests and Indian reservations.

Leavitt acknowledged there was a lot of political symbolism in how Clinton designated the monument, including the fact the president made the announcement in Arizona, the fact that Utah officials were not invited and the fact Clinton consulted with Colorado Gov. Roy Romer but not with Leavitt. It is obvious, he added, that all of Utah's elected officials have little influence with the White House.

Leavitt used the press conference to reiterate his endorsement of Republican attorney general candidate Scott Burns, who is challenging Democratic incumbent Jan Graham. Burns has made it an issue that if he is elected he would sue the federal government over the national monument designation.

On the issue of transportation, Leavitt said Utah motorists should see a slight gasoline tax increase to help fund the renovation of I-15. That increase, which Leavitt prefers to refer to as "indexing for inflation," would amount to less than a penny per gallon to begin with.

That tax increase has been part of the governor's transportation finance package all along, he said.

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**Utah Gov. Considers Legal Challenge To National Monument**

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27 September 1996

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Capital Markets Report

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SALT LAKE CITY (Dow Jones)--Utah Gov. Mike Leavitt isn't ruling out a legal challenge to President Clinton's creation of a new national monument in the southern part of the state.

"We now need to take what's been dealt us and do the best we can to turn to the future," Leavitt said on Thursday at his monthly KUED-TV news conference. "That doesn't preclude us from challenging parts of this action based on what I think to be the misuse of executive power."

Leavitt was referring to Clinton's use of the 90-year-old Antiquities Act to declare the monument without congressional approval. The president designated the 1.7-million-acre Grand Staircase-Escalante National Monument last week during a campaign stop at the Grand Canyon.

The election-year move effectively blocks development of part of America's largest known coal reserve by Dutch-based Andalex Resources, Inc. And it forces the state to trade out 200,000 acres of trust lands that could have earned coal royalties for public schools.

In the next few weeks, Leavitt plans to talk to legislative leaders, school trust lands officials, southern Utah communities and the U.S. Interior Department before making a decision on any legal action.

"My desire now is to try and assess the impact of what has occurred and then to find ways to make the very best possible outcome from this."

Right now, Leavitt said, it is impossible to know what effect the designation will have, including whether Andalex will be allowed to mine the area or what kind of return Utah schools will get for their lands.

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Nation-World

## **MAKING OF A MONUMENT; The Present; What Led to Clinton's Grand Staircase Decision?; Monument Decision Tied To Insiders**

JIM WOOLF THE SALT LAKE TRIBUNE

973 words

22 September 1996

The Salt Lake Tribune

SLTR

A1

English

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Utah Gov. Mike Leavitt claims national environmental groups were behind President Clinton's decision to create the 1.7 million-acre Grand Staircase-Escalante National Monument.

"This was packaged outside of government and taken to the White House. I know that to be true," says the governor. "It was confirmed to me by several people as we went through this process at the White House."

But Western environmental leaders deny any involvement in the monument deliberations, and there is strong evidence the idea came directly from the White House's Council on Environmental Quality (CEQ) -- Clinton's inner circle of environmental advisers.

Tom Jensen, CEQ's associate director for natural resources, is intimately familiar with the Escalante area and the battle over the Kaiparowits Plateau's coal. Before working for Clinton, Jensen was a well-known environmental attorney who worked as a senior Senate staffer on natural-resources issues and served as executive director of the Flagstaff, Ariz.-based Grand Canyon Trust. The trust's area of interest is the Colorado Plateau.

And CEQ Director Kathleen McGinty visited Utah about two years ago to hike the Kaiparowits and see firsthand some of the areas that wilderness advocates want included in their 5.7 million-acre proposal. She has been involved in behind-the-scenes discussions on the wilderness issue.

Jensen and McGinty "have asked us at various points about a national monument," said Mike Matz, executive director of the Southern Utah Wilderness Alliance (SUWA).

But he said SUWA has been focused on the wilderness debate and did not know the administration was giving serious consideration to the monument idea until The Washington Post ran a story Sept. 7 saying Clinton was preparing to create it.

SUWA never was consulted on the size or management of the monument, Matz said.

"They have done a stupendous job," said Matz of McGinty's and Jensen's efforts to persuade Clinton to create the monument.

All calls to McGinty and Jensen were referred to a CEQ spokesman who said the monument was a Clinton administration initiative and it would be wrong to focus on one or two individuals.

Another probable advocate for the monument within the administration was Harold Ickes, Clinton's deputy chief of staff. Ickes' father, also named Harold, was President Franklin D. Roosevelt's interior secretary in 1936 when he advocated the creation of a 4.5 million-acre Escalante National Monument.

Much of the land Ickes wanted to protect in the 1930s already has been incorporated into Canyonlands and Capitol Reef national parks and Glen Canyon National Recreation Area. But the core of Ickes' vision -- the Escalante River canyon -- had no special protection until this week.

"I'm sorry he never got a chance to see his dream become a reality, but I'm very glad that his son and namesake is my deputy chief of staff and is here today," Clinton said proudly at a Grand Canyon ceremony Wednesday before creating the monument.

An administration source, who asked not to be identified, said "it was at least a couple of months ago" when Clinton first asked for a "legal and scientific analysis of a monument option."

It was just an information request at the time, and staffers did not know whether the president would follow through on the idea.

The Interior Department prepared the requested analysis, but nothing happened while the campaign staff was preoccupied with such things as the Democratic National Convention and Clinton's train trip through the Midwest. Then, suddenly, the president showed a renewed interest in the idea, said the source.

Tom Robinson, director of conservation policy for the Grand Canyon Trust, said he heard that campaign officials included the monument idea in opinion polls and found it was "one of the most popular things the administration could do."

Robinson stressed that his group was not consulted about the monument proposal and had heard only rumors about it before the story in The Post. "It was definitely not our initiative," he said.

Sen. Bob Bennett, R-Utah, offered this analysis of the president's decision-making process during a recent news conference:

"I've had folks within the administration tell me that the primary drive behind doing this came from Dick Morris, who looked at his polls and said you need to shore up your environmental credentials. What better way to do it than to create a splashy new national monument or national park? And then they told the Interior Department to come up with something we can create. . . . I think the decision was made months ago."

Morris is the former Clinton campaign adviser who resigned when a tabloid published reports of his long-term relationship with a prostitute.

But the administration source put a different spin on Clinton's decision.

He said the president was tired of simply blocking the "anti-environmental" initiatives coming out of the Republican-dominated Congress and wanted to advance his own policy objectives. Creation of the monument allowed him to make progress toward a long-term goal of protecting more public land in southern Utah.

Greg Gibson/The Associated Press Utah Rep. Jim Hansen contends 14 trees were cut down for this photo, but Grand Canyon National Park employees deny it. See story on Page C-1. Al Hartmann/The Salt Lake Tribune Western writers fear a backlash from the creation of the Grand Staircase-Escalante National Monument, and Gov. Mike Leavitt urged miners to "turn to the future" as mining opponents celebrated in southern Utah. See stories on C-1 and C-2. Jump pg A13: Al Hartmann/The Salt Lake Tribune Clinton's contentious national monument includes southern Utah's Escalante River Canyon.

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## NEWS

### Utah officials up in arms about the new monument

547 words

21 September 1996

The Arizona Daily Star

TUCS

8A

English

(Copyright 1996)

Associated Press

SALT LAKE CITY (AP) - From senators and congressmen to a state attorney general candidate, foes of a 1.7 million-acre southern Utah national monument are gathering their forces.

Meantime, Conoco Inc. issued a statement late yesterday calling on the White House to work with the company to "develop a plan where prudent oil and gas development of the area can coexist with . . . environmental protection and preservation ideals."

In a statement issued from Midland, Texas, by Bob Ireland, regional manager for exploration and development, Conoco estimated up to 5 billion or more barrels of untapped oil could be in the monument area, already known for its huge coal reserves.

Conoco, in partnership with Rangeland Petroleum, is involved in exploratory leasing and drilling in and near the designated monument site, Ireland said.

At a news conference earlier yesterday, Republican Utah Attorney General candidate Scott Burns said if elected, he would go to court to fight creation of the new Grand Staircase-Escalante National Monument.

President Clinton invoked his authority under the federal Antiquities Act in making the monument declaration Wednesday, but Burns believes there's room in the statute to challenge the decision.

"It is my belief that the Antiquities Act can be interpreted to require the smallest amount of land compatible with other interests, and 1.7 million acres is the biggest land grab in the lower 48 states," he said.

Sens. Orrin Hatch and Bob Bennett, R-Utah, supported Burns' call for a lawsuit. The two lawmakers also co-chair Burns' campaign to unseat Democratic Utah Attorney General Jan Graham.

Hatch has said he feels Clinton may have violated environmental laws passed in the 1970s by not obtaining more public comment and studies before acting.

Hatch and Bennett said numerous options for legislation are also under review in the Senate to ensure, as Hatch said, "that the Antiquities Act is not abused again."

Thursday, Rep. Jim Hansen, R-Utah, introduced a bill seeking to ensure that any future monuments would be no larger than 5,000 acres. Congress is not expected to act on it before adjournment, but Hansen said he would reintroduce it next year.

Locally, political candidates were nudging Graham toward a lawsuit.

In a letter to Graham, Rep. Grant Protzman, D-North Ogden, said Clinton's designation of the monument was a "terrible manifestation of unrighteous dominion on the part of the federal government."

He wants Graham to see if the state or school officials can sue to recover lost trust lands revenue.

In a statement Thursday, Gov. Michael O. Leavitt said the president had the legal power to designate the monument but now is obligated to have meaningful talks with Utahns as he carries out the plan.

Protzman said it may be a long shot to sue, "but I think it has better potential than letting the federal government fix this out of the goodness of their hearts."

Only once, in 1944, has Congress tried to rescind a presidential proclamation, after Franklin Roosevelt declared Wyoming's Grand Teton Mountains a national monument.

Roosevelt vetoed the congressional action. In 1950, Congress authorized Grand Teton as a national park but forbade any future president to name any more national monuments in Wyoming.

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Nation-World

## **Taking Swipes at Clinton, Utahns Vow to Fight Back**

LAURIE SULLIVAN MADDOX THE SALT LAKE TRIBUNE

1,246 words

19 September 1996

The Salt Lake Tribune

SLTR

A5

English

(Copyright 1996)

President Clinton's establishment of the Grand Staircase-Escalante National Monument in southern Utah was met with blistering denunciations from the state's governor and congressional representatives.

"In all my 20 years in the U.S. Senate, I have never seen a clearer example of the arrogance of federal power," GOP Sen. Orrin Hatch fumed at a delegation news conference held just after the president's announcement Wednesday.

"Indeed, this is the mother of all land grabs."

Democratic Rep. Bill Orton, walking a tightrope between comradeship with his Democratic president and the concerns of constituents, called the action a "monumental blunder -- pun intended."

Government figures from other Western states joined the Utahns in a show of support. Sen. Conrad Burns, R-Mont., described Clinton's designation as the act of a "tyrant," while Sen. Larry Craig, R-Idaho, labeled it a "phenomenal misuse of power."

The solidarity was not accidental, Hatch said, since other states with public-land issues to be settled now may find themselves affected by a unilateral decision that bypasses the public debate required by federal laws such as the National Environmental Policy Act.

"What should be made clear to everyone in a state with public land is that if they can do this to Utah, they can do it to you," Hatch warned.

As the rebukes flew, the Utah politicians also were looking for ways to undo the executive order creating the largest monument in the lower 48 states.

There was uncertainty about whether Congress has the authority to rescind Clinton's directive, which was made under the 1906 Antiquities Act.

Some congressional offices said lawmakers could not revoke the executive order, although a future president could. But Hatch said since it was Congress that established the law giving the president the power, it also could take away that power. The option will be studied further, Hatch said.

Otherwise, the delegation was discussing three more likely possibilities: a lawsuit filed by Kane and Garfield counties challenging the way the decision was made; congressional action to cut off Interior Department funding for the monument; and legislation that would narrow the sweep of the Antiquities Act.

Orton said he anticipated all three responses -- sooner than later.

Indeed, Craig intended to file legislation today that would "prevent President Clinton and {Interior Secretary} Bruce Babbitt from doing to Idaho and other states what it did to Utah. No more midnight land grabs."

The bill would require that the public and Congress be involved and give approval before such an administrative act could take effect, Craig said.

Rep. Jim Hansen, R-Utah -- who would handle companion legislation in the House as head of the House Subcommittee on National Parks, Forests and Lands -- is looking at ways to circumvent the president using the appropriations process.

In Democratic circles, Clinton's move was seen as a shrewd way to bolster his environmental standing and give the nation a warm fuzzy while taking heat from a small state that probably will not vote for him anyway.

From other vantage points, it was characterized as a blatant political ploy carried out on a beautiful stage: the sweeping panorama of the Grand Canyon with orchestra music playing in the background.

Some also saw it as ruthless.

Talk among the Utah delegation was that administration officials had acknowledged the move may cost Democrats their only House seat in the state -- Orton's -- but that they considered him expendable.

Orton acknowledged that the administration did him no favors by keeping him in the dark -- along with the rest of the state -- until just a week ago.

But he said the president phoned him at 1:45 a.m. Wednesday to consult on the matter and that seven important concerns were brainstormed by the two.

As outlined in Clinton's speech, those included:

- The president's commitment that the Bureau of Land Management, rather than the National Park Service, will manage the monument.
- Hunting, fishing, hiking, camping and grazing will continue.
- The federal government will not pre-empt or reserve water rights.
- Monument boundaries will exclude all developed areas, state-park lands and timber and forest lands.
- School-trust lands contained within the boundaries would be swapped for holdings of comparable value, or the government will compensate the difference.
- Communities in the area would not be frozen out of the decision-making. A three-year process of public hearings was announced to develop a management plan.
- Coal leases for the Kaiparowits would not be terminated and the environmental-impact statement for the Andalex Resources mine would continue -- although Clinton expressed his personal desire that Andalex trade the leases.

Given those concessions, Orton said, the president is left with a "hollow monument" motivated purely by political considerations.

Asked if he trusted the president to honor the commitments, Orton replied, "What choice do I have?"

"He's the president. He has the statutory authority to do this. I can either try to work with him and make my constituents' interests known and ensure that my constituents are involved, or I can just get mad and pick up my marbles and go home and yell at him. I don't think that resolves the problem."

For Orton and the rest of the delegation, the hardest aspects to swallow were the school-trust-lands issue and the shadowy move to terminate the coal mine.

GOP Sen. Bob Bennett griped that the designation will lock up the nation's largest reserve of clean, environmentally beneficial coal -- and potential revenues it would bring Utah schoolchildren through the 200,000 acres of trust lands located within the monument.

"The president is asking us to trust him that Utah's schoolchildren will be made whole. Is he prepared to approve \$1 billion in federal funding? . . . Of course he isn't."

Republican Rep. Enid Greene charged that the president "doesn't know or doesn't care that there aren't sufficient coal leases in other areas" to swap for the Andalex holdings.

But what Utahns object to most, she said, is the "autocratic process" by which Clinton sidestepped the Federal Land Policy and Management Act, the National Environmental Policy Act, the state's elected representatives and its people.

GOP Gov. Mike Leavitt, the only state leader from southern Utah, said he grew up one mountain over from the new monument and loves the land.

But as an outspoken advocate of a more equitable federal-state balance of power, the governor was incensed about the executive branch's imposition of its will on the state with no public debate.

“I would just say to the president of the United States, ‘You chose to ignore a high public trust with the almost unilateral power that you were granted through the course of this act, power that was not intended by the founders of this nation.’

“From this point forward he has a higher standard of duty to deal in fairness with those of us in the state who have been disadvantaged by his lack of concern. The state will step forward, we’ll follow the process at this point, but it is up to him and to his administration to make this right.”

Al Hartmann/The Salt Lake Tribune Hikers make their way down a canyon south of Kodachrome Basin State Park. The spot is at the western end of the newly designated Grand Staircase-Escalante National Monument.

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# Deseret News

## CLINTON MAKES IT OFFICIAL: MONUMENT NOW A REALITY

By Lee Davidson and Jerry Spangler, Staff Writers

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GRAND CANYON -- Despite repeated pleas - including some in the middle of the night - from Utah officials to defer it, President Clinton announced plans Wednesday for a vast new Grand Staircase-Escalante National Monument in southern Utah's Kane County.

The only surprise in the announcement was the change in name. As proposed in the past several days, the monument would have been named Canyons of the Escalante.

Clinton's action was purely political, Utah leaders say.

Clinton, who has not set foot in the state since he finished third in Utah in the 1992 presidential race, announced the creation of the new monument from south of Utah's border - at the Grand Canyon. Aides said that site was chosen because it has facilities needed to hold a press conference.

"I think it's pretty clear this is a straight political move on the part of the Clinton administration. It will be a good photo op in the middle of a presidential campaign, and they'll worry about the real impact later," said Utah GOP Sen. Bob Bennett said.

"The fact that it happens on the eve of an election cannot be ignored," said Utah Gov. Mike Leavitt.

Even Democratic Rep. Bill Orton, in whose district the monument lies, said, "This is more a political issue than a policy issue."

Actor Robert Redford, author Terry Tempest Williams and former Utah first lady Norma Matheson were the only Utahns on stage with President Clinton. Redford, who has fought for years to protect Utah lands and specifically the Kaiparowits Plateau, made a speech. Williams gave a reading.

Democrats Jim Bradley and Ross Anderson, both currently candidates for office in Utah, were in the audience at the Grand Canyon gathering, which drew thousands of people, many sporting "5.7 Wild" buttons.

The buttons refer to an environmentalist-backed proposal that 5.7 million acres of southern Utah be designated wilderness.

Redford told the Deseret News that the region belongs to all Americans, not "in the pockets of politicians." He called the 1.8 million-acre designation better than no monument at all. The designation "puts it right where it belongs," Redford said.

Is there a sense of satisfaction now that the area has protection?

"It will be when I hear the final results," Redford said before the event began.

Orton and Bennett conceded the administration promised several steps to address local concerns. That came after Orton and Leavitt had personal phone calls with Clinton in the middle of the night Wednesday.

But, Bennett said, this is essentially a "trust us" kind of offer from the administration, "and I would continue to be critical until we got everything nailed down."

And despite the concessions, Orton said, "Let me make clear that I still oppose it. I think it is a monument to political blunders and is unwise, unneeded and premature."

Among the steps Clinton promised are:

- An ongoing environmental impact statement on a proposal by Andalex Resources to mine coal on the Kaiparowits Plateau will continue, and if a way is found to environmentally mine and transport coal, it will be allowed.
- To protect Utah schools from loss of mineral revenues on 200,000 acres of school trust lands with coal that may be surrounded by the monument, he also promised to either trade them for other federal coal leases or ask Congress to find another direct funding mechanism in exchange value of the lands.

Bennett said those two proposals taken together show him "they don't intend to let Andalex proceed." He adds that he told White House chief of staff Leon Panetta that "no other comparable coal reserves exist anywhere in the country, and he replied, 'I'm beginning to find that out.'"

- The administration will establish a three-year process of public hearings to identify and define management processes for the national monument.

Bennett complained, "In other words, they've turned the process completely backward. . . . They declare first and look for facts afterward."

- The U.S. Bureau of Land Management will continue to manage the area, not the National Park Service.

Some local residents view the park service as heavy-handed. Orton said, "It makes sense to use the people who already know the areas." It would be the first national monument overseen by the BLM.

- Hunting, fishing and grazing will continue under existing laws.
- Water rights will remain under state law, and the monument "should not affect any water-rights issues at all," Orton said.
- The boundaries will specifically exclude any developed areas such as towns in the area. Orton said it will also exclude all forested lands and state parks.

However, Orton said if it is to proceed, the steps taken by the administration mean "we've gotten about as good as we could get."

Not all Utahns were unhappy with the president's decision. Democratic candidates Jim Bradley, who's running for governor, and Ross Anderson, a candidate in the 2nd Congressional District, were expected to join Clinton in the Grand Canyon in support of the new national monument.

And environmental groups that have long sought federal protection for the region, including the Southern Utah Wilderness Alliance, also praised the proposal. Even actor and Utah resident Robert Redford was expected to be by the president's side at the announcement.

Despite everything, Orton said when he looked at the proposal, it essentially amounted to the national conservation area idea he had been promoting - except that his would have had a public process to decide boundaries.

Leavitt also had pushed Clinton and Panetta in meetings and phone calls to consider his idea of managing ecosystems regardless of political boundaries and to have more local input on management plans, which was one of the concessions won.

Still, Utah officials made it clear they were unhappy with the process leading to the announcement, including making it in Arizona and not Utah.

Utah members also didn't like a quote reported in the press from White House press secretary Mike McCurry, who said that when it came to opponents of the monument, "We've gone to great lengths to try to take their views into consideration."

Utah officials begged to differ, noting they had not been given specifics on any plans until the last second, had little input and had been misled as late as last week by the White House, which then said repeatedly it had no imminent plans for the monument.

Orton said the White House told him that Utahns had been consulted so late because "environmental counselors urged the president to take this step as part of the campaign," but that had not been communicated to the administration's land managers - and caused delays in speaking to Utahns.

"It's extremely frustrating, but that's politics," Orton said.

Rep. Jim Hansen, R-Utah, complained the administration has insisted that congressional Republicans follow lengthy study and hearing processes on public-lands issues they pursue - for example, delaying for more public input a relatively small 1,320-acre land trade for Snowbasin ski resort "even though we've been talking about it for 10 years."

But Hansen complained the administration had no public input and little consultation from Utah officials on a monument that may include a whopping 2 million acres - or almost 4 percent of all land in Utah.

And Hansen added, "No one's seen a map. I doubt there is a map" of the proposal.

Orton also said White House officials were surprised at his figures on how economically devastating the monument could be to southern Utah and said they were surprised to learn its coal reserves are "the largest untapped energy resource left in the continental United States."

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#### Search Summary

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